

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JAMES G. ALEXANDER,

Plaintiff,

Case No. 3:20-cv-482

vs.

ERIE INSURANCE COMPANY,

District Judge Michael J. Newman

Defendant.

**ORDER (1) GRATING PLAINTIFF LEAVE TO FILE AN AMENDED COMPLAINT;
(2) DEEMING PLAINTIFF'S AMENDED COMPLAINT FILED AS OF FEBRUARY 8,
2021; (3) INSTRUCTING THE CLERK TO SEPARATELY DOCKET THE AMENDED
COMPLAINT; AND (4) DENYING DEFENDANT'S MOTION FOR JUDGMENT ON
THE PLEADINGS WITHOUT PREJUDICE TO REFILING (DOC. NO. 6)**

This civil case is before the Court on *sua sponte* reconsideration of its February 9, 2021 Order denying Plaintiff leave to file an amended complaint. On February 8, 2021, alongside an opposition memorandum filed in response to Plaintiff's motion for judgment on the pleadings (Doc. No. 10), Plaintiff sought leave to file an amended complaint. Doc. No. 11. The Court denied Plaintiff's motion for leave without prejudice to refile because his submission did not demonstrate he sought, or attempted to obtain, opposing counsel's consent to the filing of the amended complaint. S.D. Ohio Civ. R. 7.3(b).

Upon further review of the record, and in the interests of justice and efficiency, Plaintiff is **GRANTED LEAVE** to file an amended complaint. Fed. R. Civ. P. 15(a)(2); *see Newberry v. Silverman*, 789 F.3d 636, 646 (6th Cir. 2015). The Court **DEEMS** Plaintiff's amended complaint filed as of February 8, 2021 and **INSTRUCTS** the clerk to separately docket the amended complaint and its attachments. Doc. Nos. 11-1, 11-2. Accordingly, Defendant's motion for

judgment on the pleadings (Doc. No. 6) is **DENIED WITHOUT PREJUDICE TO REFILING**.

See B & H Med., L.L.C. v. ABP Admin., Inc., 526 F.3d 257, 267 n.8 (6th Cir. 2008).

IT IS SO ORDERED.

Date: May 12, 2021

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge